

Remarks

The Applicants agree with the Examiner's summary of the telephonic interview with the Applicants' attorney on 3 February 2010, that no agreement was reached.

The Applicants are uncertain as to whether the open Office communication is a final rejection. Line 2a of the Office Action Summary states that the action is nonfinal. However, page 7 of the Office communication indicates that the action is final.

The open Office communication is the first after RCE. This Office communication cites and relies upon a new reference, US2002/0035621 to Zintel et al. MPEP 706.07(h) VIII specifically states:

"It would *not* be proper to make final a first Office action immediately after the filing of an RCE if the first Office action includes a new ground of rejection."

The Applicants submit that the reliance of the Examiner upon a newly cited reference is a new ground of rejection, and that a final rejection in the first Office action immediately after the filing of an RCE would be clearly improper. The Applicants therefore assume that the first two paragraphs on page 7 of the open Office communication are error, and that line 2a of the Office Action Summary, which states that the action is nonfinal, is correct.

Claim Objections

The Examiner's objection to the dependency of Claim 5 has been overcome by making Claim 5 dependent from Claim 2.

35 USC 103

The Examiner has rejected Claims 1, 2 and 4 as unpatentable over US 2002/078161 to Cheng in view of US 2002 at/0035621 to Zintel et al. Nowhere does either Cheng or Zintel et al show or suggest:

“wherein the network station from the network of the first type which has a changed input parameter is logged off by the gateway in the network of the second type, in that the changed input parameter is mapped onto an information element which is known in the network of the second type, and the network station from the network of the first type which has said changed input parameter is then once again logged on in the network of the second type”

as specifically set forth in Claim 1. Rather, the only reference in Cheng to logoff, is in ¶0026, which states that devices are logged off the network when they communicate a logoff message, or when they fail to refresh their advertisement. There is no mention in Cheng of log on. It is therefore clear that Cheng does not affect the patentability of Claim 1.

Similarly, nowhere does Zintel et al mention either logoff or log on. It is therefore clear that neither Cheng nor Zintel et al affect the patentability of Claim 1, taken either separately or together.

Claims 2 and 4 are dependent from Claim 1 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 1.

The Examiner has rejected dependent Claims 5 and 7 as unpatentable over Cheng in view of Zintel et al and US 6,456,892 to Dara-Abrams et al. Cheng and Zintel et al have been discussed above. Nowhere does Dara-Abrams et al. mention either logoff or log on. It is therefore clear that Dara-Abrams et al does not affect the patentability of Claim 1, even if combined with Cheng and Zintel et al. Since Claims 5 and 7 depend from Claim 1, the Applicants submit that these subclaims are patentable as their parent Claim 1.

The Examiner has also mentioned a reference Henry with regard to dependent Claim 7. The Applicants assume that the Examiner meant to cite US 2005/0078679 to Henry et al, which has been previously cited. Nowhere does Henry et al mention either logoff or log on. It is therefore clear that Henry et al does not affect the patentability of Claim 1, even if combined with Cheng, Zintel et al and Dara-Abrams. Since Claim 7 is dependent from Claim 1, the Applicants submit that Claim 7 is patentable as its parent Claim 1.

The Examiner has cited several references without relying on them. The Applicants submit that these references are no more pertinent to the claimed invention than the references upon which the Examiner has relied.

The Applicants therefore submit that the instant application is in condition for allowance. A notice to that effect is respectfully solicited.

No fee is believed to have been incurred by virtue of this amendment. However if an additional fee is incurred on the basis of this amendment, please charge such fee against Deposit Account No. 07-0832.

Respectfully submitted,  
Ingo Hutter  
Michael Weber

/Daniel E. Sragow/

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by: Daniel E. Sragow  
Attorney for Applicant  
Registration No. 22,856  
609/734-6832

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THOMSON Licensing Inc.  
Patent Operation  
PO Box 5312  
Princeton, NJ 08543-5312